

# Advisory Opinion

IECDB AO 2008-06

May 5, 2008

TO ALL INTERESTED PERSONS:

Pursuant to Iowa Code section 68B.32A(11) and rule 351—1.2, the Iowa Ethics and Campaign Disclosure Board issues this opinion on the use of candidate campaign funds for meal expenses and the proper reporting of such transactions. We note at the outset that the Board's jurisdiction is limited to the application of Iowa Code chapters 68A and 68B, Iowa Code section 8.7, and rules in Iowa Administrative Code chapter 351. Advice in a Board opinion, if followed, constitutes a defense to a subsequent complaint based on the same facts and circumstances.

OPINION:

Iowa Code section 68A.302(1) provides that a candidate may use campaign funds for "campaign purposes, educational and other expenses associated with the duties of office, or constituency services, and shall not use campaign funds for personal expenses or personal benefit." The statute then sets out a number of specific permissible and impermissible uses of campaign funds. Finally, the statute requires the Board to adopt rules "which list the items that represent proper campaign expenses."

The use of campaign funds for meals has been a particular source of difficulty. Iowa Code section 68A.302(2) provides that campaign funds "shall not be used for any of the following purposes" and then includes subparagraph "i" that states the following:

"Meals, groceries, or other food expense, except for tickets to meals that the candidate attends solely for the purpose of enhancing the candidacy or the candidacy of another person. However, payment for food and drink purchased for campaign related purposes and for entertainment of campaign volunteers is permitted."

Similar provisions are set out in Board rule 351—4.25(1)"h" and "p" and the Board has issued at least three advisory opinions that directly discuss the issue of the use of candidate campaign funds and meals.<sup>1</sup> In addition, the Board has adopted rule 351—4.25(2)"c" that permits the use of candidate campaign funds for meals and other expenses "incurred in connection with attending a local meeting to which the officeholder is invited and attends due to the officeholder's official position as an elected official."<sup>2</sup>

We understand and appreciate the theory behind prohibiting the use of campaign funds for meals except for campaign related purposes. The General Assembly intended to

prohibit the use of campaign funds for food that was for personal consumption and not related to the campaign. However, in practice this statutory provision has been very difficult to enforce.<sup>3</sup>

The following are examples of permissible disclosures on Schedule B of a candidate's campaign disclosure report concerning expenditures for the purchase of meals:

1. Costs associated with fundraiser;
2. Food at meeting with campaign staff;
3. Reimbursement to campaign worker;
4. Meal purchased when traveling to campaign event; or
5. Meal consumed at campaign/political event.

Disclosures such as “meals,” “food,” and “constituent meetings/meeting with supporters” will not be deemed sufficient disclosure.

This opinion is not intended to be a laundry list of items. Rather, it is to provide both candidates and the Board's staff with some common guidance. Candidates should also be aware that the more specific they are in disclosing transactions and how the transactions comply with the campaign laws, the less likely it will be that the Board's staff will require additional information.

In closing, all candidates should review Iowa Code sections 68A.301, 68A.302, 68A.303, Board rule 351—4.25, and the Board's advisory opinions on the use of campaign funds.

#### BY DIRECTION AND VOTE OF THE BOARD

James Albert, Board Chair  
Janet Carl, Vice Chair  
Gerald Sullivan  
Betsy Roe  
John Walsh  
Patricia Harper

Submitted by: W. Charles Smithson, Board Legal Counsel

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<sup>1</sup> See IECDB Advisory Opinions 2000-09, 2000-10, and 2006-15.

<sup>2</sup> The rationale behind this particular rule was that such meetings had the natural effect of enhancing the candidacy of the attendee.

<sup>3</sup> Candidates have not always been precise or consistent in reporting transactions involving meals and the Board has been required to question the propriety of such expenditures. This forces candidates to prove that they discussed campaign business at a meal or in the alternative for the Board to prove that meals were not purchased for “campaign related purposes.” Thus, this has been a source of tension between candidates and the Board for some time.